

Notice of Allowability

Application No.

09/316,313

Examiner

R. James Balls

Applicant(s)

PRATAP ET AL.

Art Unit

1625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/31/2006.
2. ☒ The allowed claim(s) is/are 1-7.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 10/11/06.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Celia Chang
Primary Examiner
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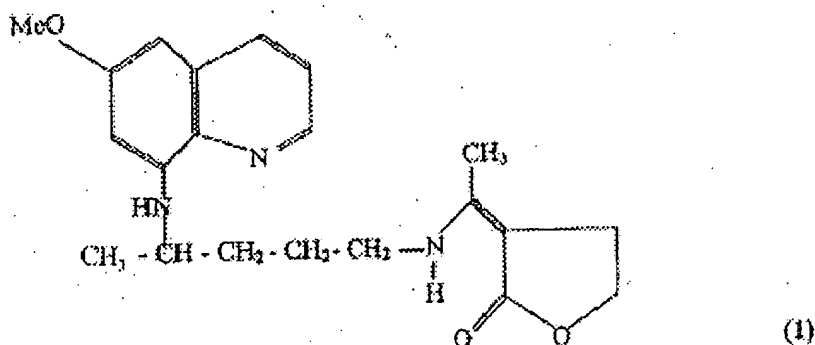
DETAILED ACTION

1. Claims 11-18 and 23-32 are pending.
2. This application claims benefit of foreign application INDIA 655/DEL/99 filed on April 29, 1999.

Examiner's Amendment

3. Cancel Claims 11-18 and 23-32 and enter the following Claims 33-39.

Claim 33 A method for reducing malaria transmission from a malaria infected animal which comprises administering a therapeutically effective amount of a compound of the formula (1)



to the animal, said compound being administered once per seven days in an amount from 0.63mg/kg of body weight to 5.00mg/kg of body weight of animal.

Claim 34 A method according to claim 24, wherein the animal is a carrier of mature gametocytes of plasmodium species.

Claim 35. A method according to claim 25, wherein the animal is a human.

Claim 36. A method according to claim 24, wherein the amount is from 0.63mg/kg of body weight to 3.75mg/kg of body weight.

Claim 37. A method according to claim 24, wherein the amount is from 0.63mg/kg of body weight to 2.5mg/kg of body weight.

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Claim 38. A method according to claim 24, wherein the amount is from 0.63mg/kg of body weight to 1.87mg/kg of body weight.

Claim 39. A method according to claim 24, wherein the amount is from 0.63mg/kg of body weight to 1.25mg/kg of body weight.

Reasons for Allowance

4. The instant claims are patentable over the prior art. The prior art teaches treating malaria infection with *N*-(3-acetyl-4-5dihydro-2-furanyl)-*N*-(6-methoxy-8-quinoliny) 1, 4-pentanediamine ("CDRI Code 80/53). See Puri et al., *Methemoglobin Toxicity and Hematological Studies on Malaria Anti-Relapse Compound CDRI 80/53 in Dogs*, AM. J. TROP. MED HYG., 41(6):638-642 (1989). Puri et al. teach that the radical curative dose for CDRI Code 80/53 is 1.25 mg/kg administered once a day for seven days. Applicants discovered that administering a one-time dose of CDRI Code 80/53 to a malaria-infected-animal reduces the ability of the infected animal to transmit malaria to others for a seven-day period. The prior art teaches administering repeated doses of the compound to treat an individual infected with malaria whereas the instant claims are drawn to a method of reducing transmission of malaria from an infected animal by treating the infected animal once per seven days with a one-time administration of the compound. Motivation to reduce malaria transmission by administering a one-time dose of the instant compound to an already infected animal is not provided by the prior art.

Conclusion

5. Claims 1-7 are allowable.

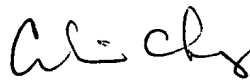
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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to R. James Balls whose telephone number is (571) 272-7997. The examiner can normally be reached on Mon - Fri 8:00am - 4:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom McKenzie can be reached on (571) 272-0670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

R. James Balls
October 11, 2006


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